

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

ORDER AND OPINION

Before the Court is a 12(b)(6) motion to dismiss Plaintiff's civil conspiracy claim filed by Defendant 1776 Management, LLC. (Dkt. No. 43). Defendant 1776 Management, LLC moves to dismiss Plaintiffs' civil conspiracy claim for the same reasons articulated in co-Defendant 1776, LLC's 12(b)(6) motion to dismiss filed on January 21, 2022. (Dkt. No. 26). Defendant 1776 Management, LLC also seeks dismissal based on the doctrine of res judicata. (Dkt. No. 43 at 2). In response to Defendant 1776 Management, LLC's motion to dismiss, Plaintiff does not object to the Court dismissing the civil conspiracy claim asserted against this Defendant. (Dkt. No. 48). Plaintiff only objects to Defendant 1776 Management, LLC's request for the Court to dismiss the claim based on res judicata grounds. (*Id.*).

The allegations asserted against Defendant 1776 Management, LLC and Defendant 1776, LLC are identical. (Dkt. No. 9 ¶¶ 30-39, 42-46, 49-55, 57-63, 65-69). On February 24, 2022, the Court entered an Order that granted in part and denied in part Defendant 1776, LLC's 12(b)(6)

motion to dismiss. (Dkt. No. 36). The Court's Order dismissed Plaintiff's civil conspiracy claim against Defendant 1776, LLC because Plaintiff failed to allege any additional facts in furtherance of the conspiracy separate and independent from other wrongful acts alleged in the complaint. (Dkt. No. 36 at 3-5) (citing *Hackworth v. Greywood at Hammett, LLC*, 682 S.E.2d 871, 874 (2009) ("A claim for civil conspiracy must allege facts in furtherance of a conspiracy rather than reallege other claims within the complaint.")). For the same reasons articulated in the Court's February 24 Order, the Court finds that Plaintiff's civil conspiracy claim against Defendant 1776 Management, LLC fails to state a claim for relief. (Dkt. No. 36 at 3-5).

As to Defendant 1776 Management, LLC's request for the Court to dismiss the civil conspiracy claim based on the application of res judicata, Defendant has not explained the application of this principle to Plaintiff's civil conspiracy claim. The Court declines to dismiss the claim based on res judicata.

For the reasons stated above, the Court **GRANTS** Defendant 1776 Management, LLC's 12(b)(6) motion to dismiss Plaintiff's civil conspiracy claim. (Dkt. No. 43).

AND IT IS SO ORDERED.

s/ Richard M. Gergel
Richard M. Gergel
United States District Judge

April 21, 2022
Charleston, South Carolina